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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/368,549 08/05/99 BEACHEY

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EXAMINER

AW MUSSE.A

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

07/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/368,549

Applicant(s)

BEACHEY ET AL.

Examiner

Abdullahi H. Aw-Musse

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18 and 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 and 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recite the element "first plenum" in line 4. The element "first plenum" does not have "second plenum" associated therewith, it is not clear for what said first plenum is related.

Claims 20 recite the limitation "adapted to be" in line 4. The term "adapted to be" makes the claim unclear since the term "adapted to be" does not define any particular structure necessary for the structural interrelationship define.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 and 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. (5,969,266) in view of Gray (4,957,007).

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Mahoney et al. disclose a pressure sensing probe that teach the claimed invention including a first plenum and a second plenum (figure 2, see numerals 40, 42), an impact surface to a first pressure port (col. 3, lines 36-45), and a second plenum is being shaped to include a longitudinally extending rip portion coupled to the first plenum (figures 7-9). Mahoney et al. further teach a first plenum having a width and the impact surface being shaped to create a localized region of relatively high pressure across substantially the entire plenum width (col. 4, lines 8-29; and means for sensing impact fluid pressure through an aperture (col. 3, lines 39-60).

Mahoney et al. do not clearly teach a second non-impact surface having at least one non-impact aperture. Gray discloses a bi-directional pressure sensing probe that teaches a probe being suspended from the pressure sensing tubes that teaches substantially flat impact surface parallel to the impact surface (figures 1, 4 and 5, see in the vicinity of the elements 44 and 46, 26, 28). Since the teaching of Mahoney et al. and Gray are from same field of endeavor, the purpose disclosed by Gray would have been recognized in the pertinent art of Mahoney et al.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mahoney et al. to include the teaching of Gray for the purpose of minimizing turbulence in the fluid created by the probe.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. in view of Westfield et al. (5,963,147).

Mahoney et al. do not clearly teach a process pressure transmitter with a loop communicator. Westfield et al. discloses a pressure sensor that teach a transmitter in a

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process control transmitting a pressure over a process control loop (see abstract). Since the teaching of Mahoney et al. and Westfield et al. are from same field of endeavor, the purpose disclosed by Westfield et al. would have been recognized in the pertinent art of Mahoney et al.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mahoney et al. to include the teaching of Westfield et al. for the purpose of transmitting the measured pressure signals.

Response to Amendment

Applicants' arguments filed 6/1/2001 have been fully considered but they are not persuasive. The applicants argue the amended subject matter which has been fully addressed in the above rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Kleven et al. (6,170,338 B1) discloses a device that teach a bluff body 24.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aw-Musse, Abdullahi whose telephone number is (703) 308-1413. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben. Fuller, can be reached on (703) 308-0079.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Abdullahi Aw-Musse
July 17, 2001


Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2800